

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

In re: NEXIUM (ESOMEPRAZOLE)  
ANTITRUST LITIGATION

This Document Relates To:

ALL END-PAYOR ACTIONS

MDL No. 2409

Civil Action No.: 1:12-md-2409-WGY

**END-PAYOR PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF  
PROPOSED CLASS ACTION SETTLEMENT**

United Food and Commercial Workers Unions and Employers Midwest Health Benefits Fund; Allied Services Division Welfare Fund; Fraternal Order of Police Miami Lodge 20, Insurance Trust Fund; New York Hotel Trades Council & Hotel Assoc. of New York City, Inc. Health Benefits Fund; Laborers International Union of North America Local 35 Health Care Fund; International Brotherhood of Electrical Workers Local 595 Health and Welfare Fund; Laborers International Union of North America Local 17 Health Care Fund; International Union of Machinists and Aerospace Workers District No. 15 Health Fund; Michigan Regional Council of Carpenters Employee Benefits Fund; and A.F. of L. – A.G.C. Building Trades Welfare Plan (“End-Payor Plaintiffs”), on behalf of themselves and the certified end-payor class (collectively “End-Payor Class”), pursuant to Federal Rule of Civil Procedure 23(e), respectfully move for entry of an order granting preliminary approval of the proposed settlement with defendants Dr. Reddy’s Laboratories, Ltd. and Dr. Reddy’s Laboratories, Inc. (collectively “DRL”). End-Payor Plaintiffs’ motion is unopposed.

In support of this motion, End-Payor Plaintiffs submit: (1) a Memorandum of Law in Support of End-Payor Plaintiffs' Unopposed Motion for Preliminary Approval, and (2) the Declaration of Kenneth A. Wexler in support of End-Payor Plaintiffs' Motion for Preliminary Approval. A Proposed Order Granting Preliminary Approval is submitted herewith.

**Certification Under Local Rule 7.1(a)(2)**

Pursuant to Local Rule 7.1(a)(2), undersigned counsel hereby certifies that counsel for Defendants do not oppose the instant motion.

Dated: October 20, 2014

Respectfully submitted,

/s/ Glen DeValerio  
Glen DeValerio (BBO #122010)  
BERMAN DeVALERIO  
One Liberty Square  
Boston, MA 02109  
Tel: (617) 542-8300  
Fax: (617) 542-1194  
[gdevalerio@bermandevalerio.com](mailto:gdevalerio@bermandevalerio.com)

*Liaison Counsel for the Proposed  
End-Payor Class*

Steve D. Shadowen  
HILLIARD & SHADOWEN LLC  
39 West Main Street  
Mechanicsburg, PA 17055  
Tel: (855) 344-3298  
[steve@hilliardshadowenlaw.com](mailto:steve@hilliardshadowenlaw.com)

Anne Fornecker  
HILLIARD & SHADOWEN LLC  
106 East 6th Street, Suite 900  
Austin, TX 78701  
Tel: (512) 322-5339  
[anne@hilliardshadowenlaw.com](mailto:anne@hilliardshadowenlaw.com)

Jayne A. Goldstein

POMERANTZ LLP  
1792 Bell Tower Lane  
Suite 203  
Weston, FL 33326  
Tel: 954-315-3454  
Fax: 954-315-3455  
[jagoldstein@pomlaw.com](mailto:jagoldstein@pomlaw.com)

Kenneth A. Wexler  
Bethany R. Turke  
Justin N. Boley  
WEXLER WALLACE LLP  
55 W. Monroe Street, Suite 3300  
Chicago, IL 60603  
Tel: (312) 346-2222  
Fax: (312) 346-0022  
[kaw@wexlerwallace.com](mailto:kaw@wexlerwallace.com)  
[brt@wexlerwallace.com](mailto:brt@wexlerwallace.com)  
[jnb@wexlerwallace.com](mailto:jnb@wexlerwallace.com)

J. Douglas Richards  
Sharon K. Robertson  
COHEN MILSTEIN SELLERS & TOLL,  
PLLC  
88 Pine Street, 14th Floor  
New York, New York 10005  
Tel: (212) 838-7797  
Fax: (212) 838-7745  
[drichards@cohenmilstein.com](mailto:drichards@cohenmilstein.com)  
[srobertson@cohenmilstein.com](mailto:srobertson@cohenmilstein.com)

*Interim Co-Lead Counsel for the Proposed  
End-Payor Class*

**CERTIFICATE OF SERVICE**

I, Glen DeValerio, hereby certify that on October 20, 2014 I caused a copy of the foregoing End-Payor Plaintiffs' Motion For Preliminary Approval Of Proposed Class Action Settlement to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access this filing through the Court's system, and notice of this filing will be sent to these parties by operation of the Court's electronic filing system.

Dated: October 20, 2014

/s/ Glen DeValerio  
Glen DeValerio